

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Application of BellSouth Corporation, Pursuant to)	
Section 271 of the Telecommunications Act of 1996)	
to Provide In-Region, InterLATA Services in)	WC Docket No. 02-150
Alabama, Kentucky, Mississippi, North Carolina)	
and South Carolina)	
)	

COMMENTS OF ERNEST COMMUNICATIONS, INC.

Ernest Communications, Inc. ("Ernest") files these comments in opposition to BellSouth Corporation's ("BellSouth's") application under Section 271 of the Communications Act of 1934, as amended ("Act"), for in-region long distance authority for Alabama, Kentucky, Mississippi, North Carolina, and South Carolina ("Application").¹ BellSouth's application should be denied because BellSouth has failed, despite repeated requests by Ernest, to correct a serious flaw in BellSouth's provisioning of unbundled network elements ordered by Ernest to serve Ernest's independent payphone service provider ("PSP") customers - a flaw that does not occur when BellSouth provisions the same services to BellSouth's PSP customers.

I. Introduction

Before a Bell Operating Company ("BOC") is permitted to offer interLATA long-distance service, the Commission must determine that the BOC is complying with a detailed, 14-point "competitive checklist." 47 U.S.C § 271(c)(2)(B). Based on Ernest's experience, BellSouth has failed to comply with checklist item 2; "nondiscriminatory access

¹ Ernest's comments are filed in response to the Commission's Public Notice (DA 02-1453) issued June 20, 2002 in the above-captioned proceeding.

to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1)” of the Act. 47 U.S.C. § 271(c)(2)(B)(ii). Specifically, BellSouth has not met its statutory obligation to provide nondiscriminatory access to the ordering and provisioning functions of its Operations Support Systems (“OSS”) under the guidelines set forth in prior Commission orders involving section 271 applications. BellSouth has failed to provide Ernest with ordering and provisioning of unbundled network element platform (“UNE-P”) services for Ernest’s PSP customers in the same time or manner as BellSouth provisions orders for BellSouth’s own PSP customers. *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region InterLATA Service in the State of New York*, Memorandum Opinion and Order, 15 FCC Rcd 3953, ¶ 85 (2000); *Application by Verizon New Jersey, Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon long distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks, Inc., and Verizon Select Services Inc., for Authorization To Provide In-Region, InterLATA Services in New Jersey*, Memorandum Opinion and Order, W.C. Docket No. 02-67, FCC 02-189, Appendix C ¶ 36 (2002) (“*Verizon New Jersey Order*”). Because BellSouth does not provide its competitor Ernest with nondiscriminatory access to network elements, BellSouth fails to meet the requirements of the competitive checklist, and its application must be denied.

II. Ernest Offers Service to PSPs in Competition with BellSouth; FLEX ANI is a Critically Important Feature in Serving PSPs

Ernest is a competitive local exchange carrier (“CLEC”) providing telecommunications services on a UNE-P basis primarily to independent (*i.e.*, non-LEC) PSPs. Ernest, which is headquartered in Norcross, Georgia, offers local exchange services to PSPs in direct competition with the payphone line services offered by BellSouth in BellSouth territory and with the payphone line services offered by the other BOCs in their

respective territories. Ernest is certificated as a CLEC in 21 states, has signed interconnection agreements with BellSouth and the other BOCs, and currently serves over 50,000 lines nationwide, the vast majority of which are used by PSPs. Within BellSouth's service territory, Ernest currently operates in all 9 states within BellSouth's territory.

Ernest must provide lines for its PSP customers that contain all the features and functions necessary for payphone service, most importantly a feature known as FLEX ANI. FLEX ANI allows interexchange carriers to track coinless long-distance calls made from a payphone for purposes of determining the dial-around compensation to which the PSP owning the payphone is entitled. Without FLEX ANI on the payphone line, a long-distance call cannot be identified as originating from a payphone and the PSP owning that payphone cannot collect dial-around compensation for calls made from that line. Because dial around compensation (currently set at a default rate of \$.24 per call) constitutes a significant percentage of total revenue generated by payphones, properly functioning FLEX ANI is of critical importance to PSPs. Because FLEX ANI is so important to Ernest's PSP customers, Ernest, if it wants to attract and retain PSP customers, has to be able to ensure that its UNE-P payphone lines are provisioned with FLEX ANI.

To serve PSP customers located in BellSouth territory, Ernest purchases UNE-P from BellSouth. Because Ernest is BellSouth's biggest competitor in providing service to PSP customers, BellSouth's natural incentives (other than its need for section 271 authority) are to provide Ernest with a lower level of service than BellSouth provides to BellSouth's own PSP retail customers. BellSouth's anti-competitive incentives have been borne out in BellSouth's handling (or, more accurately, non-handling) of a major software glitch that has caused BellSouth for more than nine months to provision Ernest's lines

without FLEX ANI, even though Ernest has been ordering lines using the USOC that indicates a request for FLEX ANI.

III. BellSouth Has Failed To Provide Ernest With Nondiscriminatory Access To BellSouth's OSS

BellSouth has failed to meet its statutory obligation to provide Ernest with nondiscriminatory access to the ordering and provisioning functions of BellSouth's OSS. In particular, BellSouth, by failing to properly provision service ordered by Ernest (namely, failing to provide the FLEX ANI feature on service ordered for PSPs), has failed to provide Ernest access to BellSouth's OSS to perform functions in "substantially the same time and manner" that BellSouth provides for BellSouth's own retail operations. Moreover, BellSouth's failure, despite repeated requests by Ernest, to take action to correct the defect in BellSouth's ordering and provisioning processes, has damaged Ernest's reputation in the industry and seriously impaired Ernest's ability to compete with BellSouth for PSP business. Ernest has not experienced the FLEX ANI problem with any of the other BOCs.

As described in detail in the attached affidavit of Steve Reynolds, since October 2001, BellSouth has failed to provide FLEX ANI when Ernest orders new service for Ernest's PSP customers. Beginning in late January 2002, Ernest's PSP customers began complaining that their payphone lines did not have FLEX ANI. Subsequently, Ernest discovered that as a result of a flaw in BellSouth's OSS, lines that Ernest ordered using the USOC for payphone lines, which would include FLEX ANI, were automatically being converted by BellSouth's system to a USOC for business lines, which do not include FLEX ANI. Ernest initially attempted to solve the problem by re-entering the line orders along with the USOC for payphone lines into BellSouth's OSS. Those attempts failed.

In February and March 2002, Ernest described the FLEX ANI problem (and its dire consequences for Ernest's PSP customers and for Ernest) in multiple e-mail messages

to the appropriate BellSouth personnel, without receiving any response from BellSouth. In those e-mail messages, Ernest identified nearly 250 recently ordered lines for which BellSouth had failed to provision with FLEX ANI. Copies of those e-mail messages are included as exhibits to Mr. Reynolds attached affidavit.

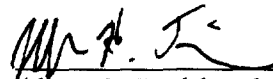
By early April 2002, BellSouth had corrected the FLEX ANI problem for the initial group of lines, but failed to take any action to correct the USOC conversion problem on a going-forward basis. To date, approximately 1400 lines have been effected by the problem. Apparently, the USOC conversion problem occurred as a result of software upgrade that BellSouth implemented in the fall of 2001, and BellSouth has indicated that it does not plan to fix the problem until it implements another general software upgrade, which is scheduled for sometime this fall. In the meantime, any new orders Ernest places will continue to have the same FLEX ANI provisioning errors, which will require Ernest to continue to use its scarce resources to check and re-check on a line by line basis whether BellSouth is adding FLEX ANI. Ernest has been placing orders with BellSouth for well over 100 lines a month, and the line-byline checking process is unduly burdensome (and the alternative of submitting manual orders would be even more burdensome).

Through early June, Ernest engaged in constant telephone and e-mail discussions with BellSouth regarding how to solve the line-provisioning problems. Ernest, while competing on a UNE-P basis with BellSouth for PSP business, can ill-afford to spend its resources struggling to cope with this BellSouth-created problem. The profit margins simply are too thin. Nor can Ernest afford to lose PSP customers as a result of BellSouth's errors – customers who will turn to BellSouth and for whom BellSouth will gladly provision payphone lines with FLEX ANI.

Given BellSouth's slowness to respond to the FLEX ANI problem and given BellSouth's refusal to solve promptly the problem on a going forward basis (a refusal which works to BellSouth's benefit in competing with Ernest for PSP business), the Commission should deny BellSouth's application for failure to meet checklist item 2, which requires BellSouth to provide competitors with nondiscriminatory access to network elements.

Dated: July 11, 2002

Respectfully submitted,



Allan C. Hubbard

Jacob S. Farber

Jeffrey H. Tignor

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street, N.W.

Washington, D.C. 20037

202-955-6657 (Telephone)

202-872-0833 (Facsimile)

Attorneys for
ERNEST COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

I do hereby certify that I have this 11th day of July 2002 served the following parties to this action with a copy of the foregoing **Comments of Ernest Communications, Inc.** by electronic mail or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
CY-B402
Washington, D.C. 20554

Deborah Eversole
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Kentucky Public Service Commission
P.O. Box 615
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John Garner
Administrative Law Judge
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100 N. Union Street, RSA Union
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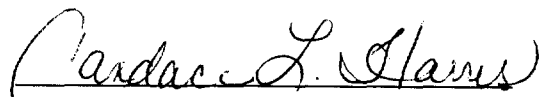
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Candace L. Harris

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
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and South Carolina)	
)	

AFFIDAVIT OF STEVE REYNOLDS

Steve Reynolds, of full age, being duly sworn upon his oath, according to law, deposes and says:

1. I am Director of Provisioning and Customer Care at Ernest Communications, Inc. My business address is 6475 Jimmy Carter Blvd, Suite 300, Norcross, GA 30071. I have been employed at Ernest Communications, Inc. since March 12, 2001.

2. Ernest is a competitive local exchange carrier ("CLEC") providing telecommunications services on an unbundled network element platform ("UNE-P") basis, primarily to independent payphone service providers ("PSPs"). Ernest offers services to independent PSPs in all nine states in BellSouth's service territory. My responsibilities at Ernest involve overseeing all aspects of provisioning and customer care including ordering UNE-P services from BellSouth. I make this affidavit based on personal knowledge.

3. Ernest has entered into an interconnection agreement with BellSouth. Under the agreement, Ernest is entitled to order UNE-P to serve PSPs.

4. To serve PSP customers, Ernest needs to offer various features, including FLEX ANI, of the switching UNE. FLEX ANI is extremely important to Ernest's PSP customers because

FLEX ANI allows interexchange carriers to track long-distance calls from payphones for dial-around compensation purposes. Without FLEX ANI on a payphone line, a long-distance call cannot be identified as originating from a payphone and a PSP cannot collect dial-around compensation for calls made from that line.

5. On January 22, 2002 I received a call from an Ernest PSP customer stating that it recently ordered lines that were not provisioned with FLEX ANI. Since January 22 when I received the first customer complaint to as recently as this week, many of Ernest's PSP customers throughout the BellSouth region have questioned why Ernest did not provision their lines properly. They were not having this experience if they ordered the lines from BellSouth directly so our competence as a service provider for PSPs was being and is still being called into question.

6. After the first PSP customer called, I had our repair department open trouble tickets with BellSouth to have the FLEX ANI feature added to the lines that the customer called about. BellSouth's repair department informed us that the lines were set up as basic business lines and therefore could not have FLEX ANI put on them.

7. BellSouth's response to our trouble tickets prompted me to examine Ernest's orders in BellSouth's electronic operations support system ("OSS"). I found that our orders for payphone lines were instead listed as orders for plain business lines. When Ernest submits a local service request ("LSR"), Ernest supplies a universal service order code ("USOC") which indicates to BellSouth's electronic OSS that a particular line must be provisioned as a payphone line with all of the attendant switch features, including FLEX ANI. Notwithstanding Ernest's use of the proper codes (e.g., UEPRB for Alabama and UEPKA for Kentucky), the lines were not properly provisioned. The payphone USOC that we ordered was being changed to a business line USOC (UEPBL) by BellSouth's OSS.

8. I attempted to fix the improperly provisioned lines through BellSouth's electronic OSS. I typed a simple change order that should have corrected the problem by removing the business USOC and adding the payphone USOC that contained FLEX ANI. The orders did not work because the OSS once again did not use our payphone USOC. While I was unsuccessful at fixing the problem through BellSouth's OSS, I continued to receive complaints from our PSP customers.

9. On January 29, 2002 I contacted Trent Clack, BellSouth's Customer Service Manager assigned to Ernest, and informed him that BellSouth was causing serious harm to Ernest's business by not providing FLEX ANI on Ernest's new payphone line orders. Through late January and early February, I had conversations with Trent Clack and requested that BellSouth correct Ernest's line orders to include FLEX ANI and fix its electronic OSS so that Ernest's orders would be processed correctly. BellSouth was not responsive. At the same time, I was still receiving calls from customers continuing to blame Ernest for the lack of FLEX ANI on their lines.

10. On February 21, 2002, I sent the first message (attached as Exhibit 1) in a series of e-mail messages to Trent Clack at BellSouth providing a list of lines which had erroneously been provisioned as business lines instead of as payphone lines. I did not receive a response. On February 26, 2002, I sent a follow up e-mail (Exhibit 2), including the same list of lines I e-mailed on February 21, 2002, to Trent Clack asking for a status report regarding whether any of the lines at issue had been converted from business lines to payphone lines. I did not receive a response. On March 6, 2002, I sent an e-mail (Exhibit 3) to Trent Clack, Marilyn Hyman, and Lee Masters at BellSouth containing the same list of lines that had been improperly provisioned as business lines instead of payphone lines and asked for confirmation that the lines had been corrected. I still did not receive a response. On March 13, 2002, I sent an e-mail (Exhibit 4) to Vicki J. Vickers and Lee Masters at BellSouth attaching all of my prior e-mail to BellSouth regarding this matter

and the same list of ANIs and asked for an update on the status of the lines as soon as possible. I also indicated in my e-mail that I did not receive a single response to my prior e-mails. I still did not receive a response from BellSouth.

11. On March 19, 2002, I sent an e-mail (Exhibit 5) to Trent Clack, Marilyn Hyman, Lee Masters, and Vicki J. Vickers at BellSouth requesting an answer by the end of the day as to whether the lines which BellSouth incorrectly provisioned had been changed. I included with my e-mail the same list of ANIs that I previously e-mailed to BellSouth. I indicated in my e-mail that I checked the lines at issue myself and found them not to have been corrected. I asked BellSouth to give me a commitment as to when the process of checking the lines for errors would be complete. I also requested that every line Ernest has ordered since October 2001 be checked to see if it was provisioned properly. I indicated that I had found lines provisioned incorrectly beginning in October 2001. I also told BellSouth that FLEX ANI is not working on Ernest's lines due to the negligence of BellSouth and that BellSouth's failure to provide FLEX ANI is damaging Ernest's reputation and costing Ernest customers.

12. On April 2, 2002, I sent an e-mail (Exhibit 6) to Trent Clack, Marilyn Hyman, and Lee Masters stating that the first set of lines I e-mailed to BellSouth had now been corrected. However, I indicated that I had still not received confirmation that BellSouth had corrected errors on all of the other lines Ernest ordered since October 2001. Furthermore, I informed BellSouth that Ernest's new line orders are still being processed incorrectly and that BellSouth's continued failure to provide FLEX ANI on Ernest's lines is deterring customers from ordering new lines from Ernest. Included in my e-mail was a list of all of the orders potentially affected by BellSouth's system failure that Ernest ordered from BellSouth beginning in October 2001. Also, on April 2, 2002, I e-mailed (Exhibit 7) Trent Clack at BellSouth a separate list of lines that were provisioned as business lines instead of payphone lines. I asked Trent Clack to work the list quickly because

Ernest's customer was particularly upset by the situation. I did not receive confirmation that any work was being done on these lists.

13. On April 29, 2002, I e-mailed (Exhibit 8) Trent Clack and Lee Masters a list of lines that BellSouth incorrectly provisioned as business lines instead of payphone lines. I asked Trent Clack to provide me an estimated date of completion as soon as possible. I did not receive an estimated completion date. On May 20, 2002, I e-mailed (Exhibit 9) Trent Clack and Lee Masters another list of lines incorrectly provisioned as business lines instead of payphone lines. On May 22, 2002, I e-mailed (Exhibit 10) Trent Clack and Lee Masters and asked Trent Clack when the lines I submitted on May 20, 2002 would be corrected. I included with my e-mail the same list of lines I submitted on May 20, 2002.

14. On June 4, 2002, I e-mailed (Exhibit 11) Trent Clack and Lee Masters a list of lines at least two of which were not properly provisioned. I asked BellSouth to provide me with a list of order numbers for all the corrections so that I could tell Ernest's customers that their lines were being corrected. I informed BellSouth two lines needed fixing immediately because I had told a customer a month ago that BellSouth was working on fixing the lines.

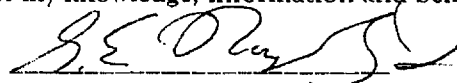
15. On June 11, 2002, I e-mailed (Exhibit 12) Trent Clack and Lee Masters a small list of improperly provisioned ANIs for one of Ernest's customers and asked BellSouth to add Flex ANI to the lines. I informed BellSouth that Ernest's customer was losing thousands of dollars in dial-around revenue as a result of FLEX ANI not being available on the lines. I asked Trent Clack to contact me when the lines are corrected.

16. On June 12, 2002, I sent an e-mail (Exhibit 13) to Marilyn Hyman and Lee Masters listing three ANIs which were still not corrected to include FLEX ANI. I informed both of them that I had not yet heard from Trent Clack regarding my e-mail of June 4, 2002 concerning at least two of the same lines. I told them in the e-mail that Ernest lost a customer to another

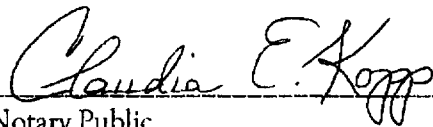
CLEC as a result of the loss of FLEX ANI revenue on the three lines at issue. In my e-mail, I requested that the three lines at issue be corrected that day, June 12, 2002. I also requested that a conference call be scheduled to discuss the provisioning problems as soon as possible.

17. As of this date, BellSouth has not responded to my request for a conference call, although BellSouth's improper provisioning of lines for Ernest's PSP customers continues unabated. To date, approximately 1,400 lines have been affected, and that number grows each day.

18. The foregoing is true to the best of my knowledge, information and belief.


Steve Reynolds

Subscribed and sworn before me this day 7.11.2002


Notary Public

My Commission expires:

Notary Public, Gwinnett County, Georgia
My Commission Expires October 25, 2005



Exhibit 1

From: Steve Reynolds [sreynolds@ernestgroup.com]
Sent: Thursday, February 21, 2002 7:45 AM
To: Trent Clack (E-mail)
Subject: UEPBL Lines.xls

Trent,
Attached are the lines set up as UEPBL.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.448.7788 (fax)770.448.4115

A list of 235 telephone numbers were attached to this e-mail.

The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

Exhibit 2

From: Steve Reynolds [sreynolds@ernestgroup.com]
Sent: Tuesday, February 26, 2002 4:40 PM
To: Trent Clack (E-mail)
Subject: FW: UEPBL Lines.xls

Trent,

This is the email I sent to you last week with the lines that were worked as business lines instead of coin. I need a status on them. I looked at a few of them in SOTS and none of them had orders posted. Please advise.

Steve

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]
Sent: Thursday, February 21, 2002 7:45 AM
To: Trent Clack (E-mail)
Subject: UEPBL Lines.xls

Trent,

Attached are the lines set up as UEPBL.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.448.7788 (fax)770.448.4115

The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

It was the same list of numbers referenced in Exhibit 1.

Exhibit 3

From: Steve Reynolds [sreynolds@ernestgroup.com]
Sent: Wednesday, March 06, 2002 3:17 PM
To: Trent Clack (E-mail); Marilyn Hyman (E-mail)
Cc: Lee Masters (E-mail)
Subject: FW: UEPBL Lines.xls

Marilyn,

The list attached to this email contains lines that were incorrectly processed by LENS. We ordered the USOC for coin UNEP lines and system worked the orders with UEPBL which is a business line. As a result the FLEX ANI has not been working on these lines for months in some cases. Trent sent this to someone in the Fleming Island call center that was supposed to be correcting them. I need a confirmation that all of these have been corrected. FLEX ANI is a huge revenue stream for PSPs. Please advise me ASAP as to the status.

Thank you,

Steve Reynolds
Director
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770.448.7788 (fax)770.448.4115

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Ernest Group
770.448.7788 (fax)770.448.4115

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It was the same list of numbers referenced in Exhibit 1.

Exhibit 4

From: Steve Reynolds [sreynolds@ernestgroup.com]
Sent: Wednesday, March 13, 2002 11:37 AM
To: Vicki. J. Vickers (E-mail)
Cc: Lee Masters (E-mail)
Subject: FW: UEPBL Lines.xls

Vicki,

Please read all of the below email correspondence and get me an answer ASAP on these lines. Call me if you need any clarification or if you have any questions. I have not had a single response from any of the previous requests for an update.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]
Sent: Wednesday, March 06, 2002 3:17 PM
To: Trent Clack (E-mail); Marilyn Hyman (E-mail)
Cc: Lee Masters (E-mail)
Subject: FW: UEPBL Lines.xls

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Sent: Thursday, February 21, 2002 7:45 AM
To: Trent Clack (E-mail)

6/28/02

Subject: UEPBL Lines.xls

Trent,
Attached are the lines set up as UEPBL.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.448.7788 (fax) 770.448.4115

6/28/02

Exhibit 5

From: Steve Reynolds [sreynolds@ernestgroup.com]
Sent: Tuesday, March 19, 2002 12:29 PM
To: Trent Clack (E-mail); Marilyn Hyman (E-mail); Lee Masters (E-mail); Vicki. J. Vickers (E-mail)
Cc: Paul Masters (E-mail)
Subject: FW: UEPBL Lines

Can I please get an answer on these by the end of day. I have checked the lines and absolutely no changes have been made to correct the errors.

I also requested that every line we have ordered since October of 2001 be checked for this error since we started finding lines that far back that are set up incorrectly. I want a commitment as to when that will be complete.

I do not think any of you realize the importance of getting this fixed. I will reiterate that the FLEX ANI is not working due to this negligence and that is costing our customers as well as the reputation of Ernest Communications.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

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To: Vicki. J. Vickers (E-mail)
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Subject: FW: UEPBL Lines.xls

Vicki,

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Thank you,

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6/28/02

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Subject: FW: UEPBL Lines.xls

Trent,

This is the email I sent to you last week with the lines that were worked as business lines instead of coin. I need a status on them. I looked at a few of them in SOTS and none of them had orders posted. Please advise.

Steve

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]
Sent: Thursday, February 21, 2002 7:45 AM
To: Trent Clack (E-mail)
Subject: UEPBL Lines.xls

Trent,

Attached are the lines set up as UEPBL.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.448.7788 (fax)770.448.4115

Exhibit 6

From: Steve Reynolds [sreynolds@ernestgroup.com]
Sent: Tuesday, April 02, 2002 10:46 AM
To: Trent Clack (E-mail); Marilyn Hyman (E-mail)
Cc: Lee Masters (E-mail)
Subject: RE: UEPBL Lines

The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

It appears that the first list of lines that I emailed have now been corrected. Per the request below in bold, I have not heard anything on all of the other lines we have ordered since October. I ran a report out of SOTS all of the N orders in the system since October 01. If Bellsouth has already began work on these lines per our previous request then please update me ASAP.

Also, all of our current new line orders are still being processed incorrectly. What is being done to correct the errors in the system. Please respond quickly as this is really starting to damage our reputation. I have customers that are now scared to order new lines with us, because they are certain that their FLEX ANI will not work. And the worst part is that they are correct.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

A list of 1,406 telephone numbers was attached to this e-mail.

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]
Sent: Tuesday, March 19, 2002 12:29 PM
To: Trent Clack (E-mail); Marilyn Hyman (E-mail); Lee Masters (E-mail); Vicki. J. Vickers (E-mail)
Cc: Paul Masters (E-mail)
Subject: FW: UEPBL Lines

Can I please get an answer on these by the end of day. I have checked the lines and absolutely no changes have been made to correct the errors.

I also requested that every line we have ordered since October of 2001 be checked for this error since we started finding lines that far back that are set up incorrectly. I want a commitment as to when that will be complete.

I do not think any of you realize the importance of getting this fixed. I will reiterate that the FLEX ANI is not working due to this negligence and that is costing our customers as well as the reputation of Ernest Communications.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]
Sent: Wednesday, March 13, 2002 11:37 AM
To: Vicki. J. Vickers (E-mail)
Cc: Lee Masters (E-mail)

Subject: FW: UEPBL Lines.xls

Vicki,

Please read all of the below email correspondence and get me an answer ASAP on these lines. Call me if you need any clarification or if you have any questions. I have not had a single response from any of the previous requests for an update.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax) 770.448.4115

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]

Sent: Wednesday, March 06, 2002 3:17 PM

To: Trent Clack (E-mail); Marilyn Hyman (E-mail)

Cc: Lee Masters (E-mail)

Subject: FW: UEPBL Lines.xls

Marilyn,

The list attached to this email contains lines that were incorrectly processed by LENS. We ordered the USOC for coin UNEP lines and system worked the orders with UEPBL which is a business line. As a result the FLEX ANI has not been working on these lines for months in some cases. Trent sent this to someone in the Fleming Island call center that was supposed to be correcting them. I need a confirmation that all of these have been corrected. FLEX ANI is a huge revenue stream for PSPs. Please advise me ASAP as to the status.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.448.7788 (fax) 770.448.4115

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]

Sent: Tuesday, February 26, 2002 4:40 PM

To: Trent Clack (E-mail)

Subject: FW: UEPBL Lines.xls

Trent,

This is the email I sent to you last week with the lines that were worked as business lines instead of coin. I need a status on them. I looked at a few of them in SOTS and none of them had orders posted. Please advise.

Steve

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]

Sent: Thursday, February 21, 2002 7:45 AM

To: Trent Clack (E-mail)

Subject: UEPBL Lines.xls

Trent,

Attached are the lines set up as UEPBL.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.448.7788 (fax) 770.448.4115

Exhibit 7

From: Steve Reynolds [sreynolds@ernestgroup.com]

Sent: Tuesday, April 02, 2002 4:06 PM

To: Trent Clack (E-mail)

Subject: UEPBL Lines3

The attached list contains a few more lines that have been worked as business lines instead of coin. This small list needs to be worked quickly. This customer is particularly upset about the situation.

The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

A list of 7 telephone numbers was attached to this e-mail.

Exhibit 8

From: Steve Reynolds [sreynolds@ernestgroup.com]

Sent: Monday, April 29, 2002 10:55 AM

To: Trent Clack (E-mail)

Cc: Lee Masters (E-mail)

Subject: UEPBL Lines4.xls

Attached is the latest list of lines that have the UEBL USOC. This is a clean list. Please give me an estimated date of completion at your earliest opportunity.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

A list of 243 telephone numbers was attached to this e-mail.

Exhibit 9

From: Steve Reynolds [sreynolds@ernestgroup.com]

Sent: Monday, May 20, 2002 12:45 PM

To: Trent Clack (E-mail)

Cc: Lee Masters (E-mail)

Subject: UEPBL Lines5.xls

Attached is the next list of Lines that need to have the correct Coin UNEP USOC replace the business USOC that is presently on the line.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

A list of 234 telephone numbers was attached to this e-mail.

Exhibit 10

From: Steve Reynolds [sreynolds@ernestgroup.com]
Sent: Wednesday, May 22, 2002 9:10 AM
To: Trent Clack (E-mail)
Cc: Lee Masters (E-mail)
Subject: FW: UEPBL Lines5

Trent,
I need to know the when these lines will be corrected. Please advise.

Steve

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]
Sent: Monday, May 20, 2002 12:45 PM
To: Trent Clack (E-mail)
Cc: Lee Masters (E-mail)
Subject: UEPBL Lines5.xls

Attached is the next list of Lines that need to have the correct Coin UNEP USOC replace the business USOC that is presently on the line.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

It was the same list of numbers referenced in Exhibit 9.

6/28/02

Exhibit 11

From: Steve Reynolds [sreynolds@ernestgroup.com]
Sent: Tuesday, June 04, 2002 10:32 AM
To: Trent Clack (E-mail)
Cc: Lee Masters (E-mail)
Subject: FW: UEPBL Lines4.xls

At least two lines on this list, have not been corrected. Please have the LCSC provide me with order numbers for all of the corrections so that we can confidently inform our customers that their lines are in fact being corrected.

These two lines need to be fixed immediately, as I told the customer these were being worked on a month ago.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]
Sent: Monday, April 29, 2002 10:55 AM
To: Trent Clack (E-mail)
Cc: Lee Masters (E-mail)
Subject: UEPBL Lines4.xls

Attached is the latest list of lines that have the UEBL USOC. This is a clean list. Please give me an estimated date of completion at your earliest opportunity.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

It was the same list of numbers referenced in Exhibit 8.

6/28/02

Exhibit 12

From: Steve Reynolds [sreynolds@ernestgroup.com]

Sent: Tuesday, June 11, 2002 2:34 PM

To: Trent Clack (E-mail)

Cc: Lee Masters (E-mail)

Subject: UEPBL Lines

Trent,

Attached is small list of ANIs for one of my customers that need to be corrected immediately for FLEX ANI. These lines are all in the Panhandle of FL so he is losing thousands in dial around revenue right now. Please confirm to me via email when these are corrected.

Thank you,

Steve Reynolds

Director

Customer Care / Provisioning

Ernest Group

770.242.9069 (fax)770.448.4115

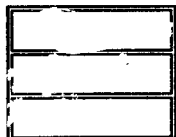
The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

A list of 28 telephone numbers was attached to this e-mail.

Exhibit 13

From: Steve Reynolds [sreynolds@ernestgroup.com]
Sent: Wednesday, June 12, 2002 2:16 PM
To: Marilyn Hyman (E-mail); Lee Masters (E-mail)
Cc: Paul Masters (E-mail)
Subject: FW: UEPBL Lines4.xls

Marilyn, Lee,
It is time for you to get involved in this fiasco.



These three ANIs are still not corrected for FLEX ANI. I have not had any response from Trent from my email a week ago, and this customer has just informed me that are switching their lines to another CLEC over the loss of revenue at this location. These lines have absolutely got to be corrected today. No Exceptions.

I want a conference call scheduled to discuss the whole situation ASAP. Please let me know what your availability is.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

The referenced list of telephone numbers is omitted. Upon request by Commission staff, Ernest will submit the telephone numbers under a request for confidential treatment.

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]
Sent: Tuesday, June 04, 2002 10:32 AM
To: Trent Clack (E-mail)
Cc: Lee Masters (E-mail)
Subject: FW: UEPBL Lines4.xls

It was the same list of numbers referenced in Exhibit 8.

At least two lines on this list, have not been corrected. Please have the LCSC provide me with order numbers for all of the corrections so that we can confidently inform our customers that their lines are in fact being corrected.

These two lines need to be fixed immediately, as I told the customer these were being worked on a month ago.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax)770.448.4115

-----Original Message-----

From: Steve Reynolds [mailto:sreynolds@ernestgroup.com]
Sent: Monday, April 29, 2002 10:55 AM

6/28/02

To: Trent Clack (E-mail)
Cc: Lee Masters (E-mail)
Subject: UEPBL Lines4.xls

Attached is the latest list of lines that have the UEBL USOC. This is a clean list. Please give me an estimated date of completion at your earliest opportunity.

Thank you,

Steve Reynolds
Director
Customer Care / Provisioning
Ernest Group
770.242.9069 (fax) 770.448.4115

6/28/02